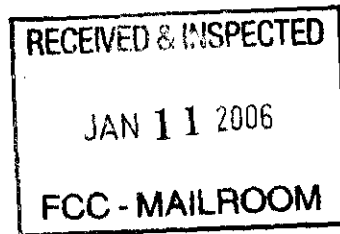


CGB-CC-0317



Commission's Secretary  
Office of the Secretary  
Federal Communications Commission  
Attention: CGB Room 3-B431  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

December 30, 2005

**REQUEST FOR EXEMPTION TO THE CLOSED CAPTIONING REQUIREMENTS ON THE  
BASIS OF UNDUE BURDEN.**

I am requesting exemption to the Closed Captioning requirement due to undue burden placed on me as the producer of "Born to Ride TV". Born to Ride TV has been on the air for ten years as a local motorcycle event show. I have produced over 530 shows. My gross billing on the show for the past twelve months is only \$189,000, with a minimal profit margin. The cost of implementing closed captioning would exceed \$30,000 to my production costs. The option of using newsroom technique would increase my costs by approximately \$5,000 for the year. In both cases the additional cost would far exceed the 2% as stated in FCC Rule 79.1, Paragraph d, and sub-paragraph 11.

The show is a benefit to the community, and provides specialized entertainment to a niche market.

For this reason, I am seeking an Exemption to the Closed Captioning Requirement.

Regards,

Ron Galletti  
Executive Producer - Born to Ride TV

ID # 593316718

2005-2006 HILLSBOROUGH COUNTY OCCUPATIONAL LICENSE TAX RECEIPT

EXPIRES 9-30-2006 POLICY NO.

FACILITIES OR MACHINES	0	ROOMS	0	SEATS	0	EMPLOYEES	2	RENEWAL	22220.0000
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OCC. CODE

BUSINESS TYPE

190.000

MANUFACTURER-TELEVISION PRODUCTIONS

H. WASTE  
SURCHARGE  
40.00

TAX  
30.00

2005-2006

BUSINESS  
LOCATION

1503 HERITAGE DR  
VALRICO 33594

BORN TO RIDE INC  
PO BOX 3021  
BRANDON FL 33509-0000

Shrin  
752-103  
Fed. X 15  
TAX IT

**LICENSE**

DOUG BELDEN, TAX COLLECTOR

813-635-5200

THIS BECOMES A TAX RECEIPT WHEN VALIDATED.

(SEE REVERSE SIDE)

PAID - 26094 - 15  
09/13/2005 \*\*\* 70.00

OCC. CODE  
190.000

BUSINESS TYPE

MANUFACTURER-TELEVISION PRODUCTIONS

H. WASTE  
SURCHARGE  
40.00

BUSINESS  
LOCATION

1503 HERITAGE DR  
VALRICO 33594

NAME  
MAILING  
ADDRESS

BORN TO RIDE INC  
PO BOX 3021  
BRANDON FL 33509-0000

**LICENSE**

DOUG BELDEN, TAX COLLECTOR

813-635-5200

THIS BECOMES A TAX RECEIPT WHEN VALIDATED.

\*\*\*DUPLICATE\*\*\*

Doug Belden, Hillsborough Co Tax Coll.

PAID - 26094 - 15 09/13/2005

PL. NAME: BORN TO RIDE INC 022220.0000 315000

REL: 00007022 00007022-010-020 3200

4206 02222000008 000030007 000040006

**(d) Exempt programs and providers.** For purposes of determining compliance with this section, any video programming or video programming provider that meets one or more of the following criteria shall be exempt to the extent specified in this paragraph.

(1) Programming subject to contractual captioning restrictions. Video programming that is subject to a contract in effect on or before February 8, 1996, but not any extension or renewal of such contract, for which an obligation to provide closed captioning would constitute a breach of contract.

(2) Video programming or video programming provider for which the captioning requirement has been waived. Any video programming or video programming provider for which the Commission has determined that a requirement for closed captioning imposes an undue burden on the basis of a petition for exemption filed in accordance with the procedures specified in paragraph (f) of this section.

(3) Programming other than English or Spanish language. All programming for which the audio is in a language other than English or Spanish, except that scripted programming that can be captioned using the "electronic news room" technique is not exempt.

(4) Primarily textual programming. Video programming or portions of video programming for which the content of the soundtrack is displayed visually through text or graphics (e.g., program schedule channels or community bulletin boards).

(5) Programming distributed in the late night hours. Programming that is being distributed to residential households between 2 a.m. and 6 a.m. local time. Video programming distributors providing a channel that consists of a service that is distributed and exhibited for viewing in more than a single time zone shall be exempt from closed captioning that service for any continuous 4 hour time period they may select, commencing not earlier than 12 a.m. local time and ending not later than 7 a.m. local time in any location where that service is intended for viewing. This exemption is to be determined based on the primary reception locations and remains applicable even if the transmission is accessible and distributed or exhibited in other time zones on a secondary basis. Video programming distributors providing service outside of the 48 contiguous states may treat as exempt programming that is exempt under this paragraph when distributed in the contiguous states.

(6) Interstitials, promotional announcements and public service announcements. Interstitial material, promotional announcements, and public service announcements that are 10 minutes or less in duration.

(7) ITFS programming. Video programming transmitted by an Instructional Television Fixed Service licensee pursuant to §§ 74.931(a), (b) or (c) of the rules.

(8) Locally produced and distributed non-news programming with no repeat value. Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the "electronic news room" technique of captioning is unavailable.

(9) Programming on new networks. Programming on a video programming network for the first four years after it begins operation, except that programming on a video programming network that was in operation less than four (4) years on January 1, 1998 is exempt until January 1, 2002.

(10) Primarily non-vocal musical programming. Programming that consists primarily of non-vocal music.

(11) Captioning expense in excess of 2% of gross revenues. No video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.

(12) Channels producing revenues of under \$3,000,000. No video programming provider shall be required to expend any money to caption any channel of video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received pursuant to paragraph (c) of this section.

(13) Locally produced educational programming. Instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools.